IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.2769 OF 2006
IN
FIRST APPEAL NO.1421 OF 2006

Shri Nagendra Manohar Ranade .. Applicant
V/s.
Mrs.Meenal Vijay Pawagi and another ..Respondents

Mr.P.K.Dhakephalkar, Senior Counsel with Mr.J.A.Deo for the applicant.

Mr.R.S.Apte i/by Mr.N.V.Limaye for the respondent No.1.

CORAM : R.M. LODHA &
A.S.BAGGA, JJ.

DATED : 23RD JUNE, 2006.

P.C.

After having heard the senior counsel for the appellant-applicant and the counsel for the respondent No.1, we are satisfied that the following order shall subserve the ends of justice:

(i) The appellant-applicant shall deposit with the trial court an amount of Rs.3,000/- per month from the month of March, 2006.

(ii) The arrears for the months of March, April and May

shall be deposited by the appellant-applicant within 15 days from today.

(iii) The amount due for the month of June, 2006 shall be deposited by the appellant-applicant on/or before 10th July, 2006 and for the subsequent months on/or before 10th of each succeeding month.

(iv) The appellant-applicant shall also deposit an amount of Rs.7000/- per year that he is said to be receiving from the tenants. The said amount for the year from 1st March, 2006 to 28th February, 2007 shall be deposited by 31st March, 2007 and in the same manner for the subsequent years.

(v) The monthly amount as well as yearly amount so deposited by the appellant-applicant is allowed to be withdrawn by respondent No.1 upon furnishing the solvent surety/security to the satisfaction of the trial court.

(vi) The appellant-applicant is restrained from transferring, alienating, disposing of or creating any third party right or interest with regard to the portion of the suit property in his possession. If any of the tenant or the tenants vacate the premises in their possession, the appellant-applicant shall not transfer or give such premises on licence in any manner whatsoever without permission of this court.

(vii) Upon compliance of the aforesaid directions, the appellant-applicant shall not be dispossessed from the portion of the suit property in his possession.

Civil application stands disposed of.

(R.M.LODHA, J.)

(A.S.BAGGA, J.)